

REMARKS

A. Background

Claims 1-17 were pending in the application at the time of the Office Action. Claims 1-17 were rejected as being anticipated and/or obvious over cited prior art. By this response applicant has amended claims 1, 10, and 15 and cancelled claims 3 and 12. As such, claims 1-2, 4-11, and 13-17 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Claim Amendments

Applicant has herein amended independent claims 1, 10 and 15 so as to further clarify the invention. Applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Acknowledgement of Foreign Priority Claim

The present application claims priority under 35 USC 119 to Australian Application No. 2003904675. A certified copy of the priority application was filed in the PTO on February 4, 2008. The Office Action Summary of the present Office Action fails to acknowledge the claim of priority or receipt of the certified copy. Applicant respectfully requests that the Examiner acknowledge the claim of priority or receipt of the certified copy of the Australian priority application.

D. Rejections on the Merits

Claim Rejections – 35 USC § 102

Claims 1, 2, 4, 5, 6, 7 and 9 were rejected under 35 USC 102(b) as being unpatentable over Eicher Jr et al (US 2002/0099598). The rejection is respectfully traversed.

Claim 1 has been amended to recite that the second trading entity is registered with the server and to include the limitation of cancelled claim 3. The amendment is supported by the specification and claims as filed and, for example, by original claims 3 and 10. The present claimed invention allows quick and seamless establishment of business and trading networks thereby avoiding unnecessary administration and expenditure. When the present claimed invention is utilized, the administrative burden of the process from identifying a potential trading partner to establishing communication and notifying them communication has been established with that partner is dramatically reduced. Further, there is no need for new software or hardware to be purchased or implemented. Such purchasing and implementation act as barriers to efficient trading and plague the prior art systems. Plainly, Eicher does not teach or suggest the invention defined by the amended claims or the advantages thereof.

Eicher describes a performance-based supply chain management system for sending metalerts relative to monitored key performance indicators (KPIs) for a buyer-supplier engagement. The system is able to determine hot spots (i.e. low KPIs) based on recurring metalerts within a particular engagement. This information is stored for use in selection of potential buyers and suppliers by the system.

The Examiner stated that Eicher disclosed all of the limitations of the above claims. However, the applicant submits that Eicher fails to teach or suggest **“wherein said server informs said second trading entity via said communications network that they have been**

registered by said first trading entity following registration of said second trading entity by said first trading entity,” as recited in claim 1. Further, Eicher fails to teach or suggest a second trading entity registered by said first trading entity as a trading partner of the first trading entity, as recited in independent claims 1, 10 and 15.

In the Office Action, the Examiner did not raise a 35 USC 102(b) rejection against claim 3. In light of amended claim 1, reciting the limitation of claim 3 the 35 USC 102(b) over Eicher Jr., et al is rendered moot.

In the Office Action, the Examiner alleges that paragraphs 65 and 115 of Eicher provided disclosure of the registration of the second trading entity by the first trading entity. However, the applicant respectfully disagrees. Paragraph 65 refers to extracting content and discloses embodiments wherein content is provided based on subscription level and authorization. Paragraph 115 provides embodiments of a partner selection module, which can include simple, strategic and demanding purchasing engagements. However, there is no disclosure or suggestion in these paragraphs of a second trading entity registered by said first trading entity as a trading partner of the first trading entity. Paragraph 115 for example, merely states that a buyer selects partners based on reputation, whether they have the items needed and cost.

Furthermore, the applicant refers to paragraph 63 of Eicher, which discloses a partner directory that includes details of products and services of a partner. These details are automatically downloaded from a commercial master registry during the setup phase of the performance-based supply chain management system. Consequently, the applicant asserts that Eicher fails to disclose or suggest the registration of a second trading entity by said first trading entity as a trading partner of the first trading entity.

Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3696

In addition, the applicant submits that Eicher fails to disclose or suggest the limitation recited in independent claims 1, 10 and 15 of a profile specifying supply chain data to be communicated to and/or from one or more of said trading entities. In the Office Action, the Examiner alleges that paragraph 87 disclosed this limitation. However, the applicant respectfully disagrees. The applicant acknowledges that Eicher discloses a user profile that comprises company information of a particular buyer and supplier, inventory and order related data, which may be considered as supply chain data. However, the applicant submits that there is no disclosure whatsoever of the profile specifying the supply chain data that is to be communicated to and/or from other trading entities.

In view of the foregoing, applicant submits that claim 1 is not anticipated by Eicher and withdrawal of the rejection is respectfully requested. Claims 2, 4-7, and 9 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 2, 4-7, and 9 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 1.

Claims 10, 11, 12, 14, 15 and 16 were rejected under 35 USC 102(b) as being unpatentable over Ankireddipally et al (US 2002/0116205). The rejection is respectfully traversed.

Claim 10 has been amended to recite that the second trading entity is registered with the server and to include the limitation of cancelled claim 12. The amendment is supported by the specification and claims as filed and, for example, by original claims 1, 10 and 12. The present claimed invention allows quick and seamless establishment of business and trading networks thereby avoiding unnecessary administration and expenditure. When the present claimed invention is utilized the administrative burden of the process from identifying a potential trading

partner to establishing communication with that partner and notifying them communication has been established is dramatically reduced. Further, there is no need for new software or hardware to be purchased or implemented. This purchasing and implementation act as barriers to efficient trading and plagues the prior art systems. Plainly, the cited document does not teach or suggest the invention defined by the amended claims or the advantages thereof.

Ankireddipally et al merely teaches a distributed transaction processing system utilizing request-reply, publish-notify and broadcast application interaction models. Ankireddipally fails to teach or suggest the registration of the second trading entity being performed by the first trading entity and further fails to teach or suggest informing the second trading entity that they have been registered by the first trading entity.

The Examiner has asserted that paragraphs [0087] and [0085] teach the limitations of claim 10 added by amendment. However, paragraph [0087] merely discloses registering a first primary commerce exchange (CX) to a second primary CX. There is no teaching or suggestion of registration of the second trading entity by the first trading entity. Further paragraph [0085] merely teaches a notification and a hello process. There is no teaching or suggestion of informing said second trading entity that they have been registered or that they have been registered by said first trading entity.

In view of the foregoing, applicant submits that Ankireddipally does not disclose or suggest “registering with said server at least one second trading entity as a trading partner of said first trading entity, **said registering performed by said first trading entity**” and **“informing said second trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity.”** as recited in claim 10 or “registering with the apparatus at least one second trading entity as a

trading partner of said first trading entity, said registering performed by said first trading entity;” and “wherein said apparatus informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity,” as recited in claim 15. As such

Accordingly, applicant submits that claims 10 and 15 are not anticipated by Ankireddipally and withdrawal of the rejection is respectfully requested. Claims 11, 12, 14, and 16 depend from claim 10 or 15 and thus incorporate the limitations thereof. As such, applicant submits that claims 11, 12, 14, and 16 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 10 and 15.

Claim Rejections – 35 USC § 103

Claims 3 and 8 were rejected under 35 USC 103(a) as being unpatentable over Eicher Jr et al (US 2002/0099598) in view of Zarefoss et al (US 2002/0138324). The rejection is respectfully traversed.

The Examiner stated the combination Eicher and Zarefoss are obvious. However, the applicant submits that Zarefoss fails to disclose a server informing the second trading entity, via a communication network, that they have been registered by the first trading entity.

Zarefoss describes a system and method for sharing and manipulating supply chain data by assigning attributes to the data, creating hierarchies, calendars, filters and freeze profiles. Selective sharing of data is accomplished by predefined partnerships and filters. Zarefoss is directed to the sharing of supply chain data for the purpose of business planning and forecasting.

Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3696

Although the applicant acknowledges that Zarefoss broadly describes a method for sharing and manipulating supply chain data, the applicant submits Zarefoss fails to disclose a second trading entity registered by said first trading entity as a trading partner of the first trading entity, and a server informing the second trading entity, via a communication network, that they have been registered by the first trading entity.

In the Office Action, the Examiner alleges that paragraph 65 of Zarefoss provides disclosure of a server informing the second trading entity, via a communication network, that they have been registered by the first trading entity. However, the applicant respectfully disagrees. Paragraph 65 refers to a process for creating a planning component for sharing and manipulating supply chain data. Paragraph 65 of Zarefoss provides disclosure of a system assigning the planning component to each trading partner, who own and manage the component. Specifically, the applicant asserts the step of identifying partners (414) fails to anticipate the notification of a second trading entity, via a communication network, that they have been registered by the first trading entity.

Neither Eicher nor Zarefoss, whether considered alone or in combination, disclose the combination of limitations recited in the independent claims 1, 10 and 15. Hence, independent claims 1, 10 and 15 are both novel and non-obvious as are the remaining claims that depend therefrom.

Claim 13 was rejected under 35 USC 103(a) as being unpatentable over Ankireddipally et al (US 2002/0116205) in view of Eicher Jr et al (US 2002/0099598). The rejection is respectfully traversed.

For at least the reasons discussed above, claim 13, which depends from claim 10, is novel and inventive over the cited documents.

Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3696

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Ankireddipally et al (US 2002/0116205) in view of Zarefoss et al (US 2002/0138324). The rejection is respectfully traversed.

For at least the reasons discussed above, claim 17, which depends from claim 15, is novel and inventive over the cited documents.

In summary, the specific combination of features recited in the amended independent claims 1, 10 and 15 are not disclosed, suggested or rendered obvious to the skilled addressee by the prior art of record irrespective of whether the prior art citations are considered alone or in combination.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-2, 4-11, and 13-17 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3696**

Dated this 29th day of August 2008.

Respectfully submitted,

/Dana L. Tangren/ Reg # 37246
DANA L. TANGREN

Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

DLT:dfw

C:\NRPORTBL\DMS1\DWILSON\2088292_1.DOC